

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY, :
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: Plaintiff, : 15cv4212 (DLC)
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-v- :
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: JEFFREY AVO UVEZIAN, :
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: Defendant. :
:
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ORDER

DENISE COTE, District Judge:

This action was filed on June 1, 2015, asserting jurisdiction on the basis of 28 U.S.C. § 1352, which grants federal district courts jurisdiction over “any action on a bond executed under any law of the United States.” The Second Circuit has held that an action to enforce an indemnification agreement associated with a bond is “not an action ‘on a bond’ executed under the laws of the United States within the meaning of the statute.” Rader v. Manufacturers Cas. Ins. Co. of Philadelphia, 242 F.2d 419, 427 (2d Cir. 1957); see also Am. Cas. Co. of Reading, PA v. Heartland By-Prod., Inc., No. 02cv4701 (PKL), 2003 WL 740866, at \*1 (S.D.N.Y. Mar. 4, 2003) (applying Rader to a customs bond).

A Stipulation and Order of Settlement was entered in this case on February 17, 2016. On February 25, 2020, plaintiff’s counsel filed an affidavit seeking a judgment to enforce the settlement. On February 28, plaintiff’s counsel was ordered to

serve the February 25 filings on the defendant and defendant's counsel, and the defendant was ordered to respond by March 27. The defendant did not so respond, and a default judgment hearing was scheduled for April 24 at 2:00 p.m. Plaintiff's counsel was ordered to serve the Order scheduling that hearing on the defendant and defendant's counsel. The defendant has still filed no response, but the Court takes notice that New York is currently under a stay-at-home order due to COVID-19,<sup>1</sup> and mail service may not have been effective. Accordingly, it is hereby

ORDERED that the plaintiff shall file by **April 23, 2020** a letter addressing whether this Court may properly exercise jurisdiction under 28 U.S.C. § 1352 or under any other statute, such as 28 U.S.C. § 1332.

IT IS FURTHER ORDERED that plaintiff's counsel shall attempt to contact the defendant through the telephone number and email address found at <http://www.ngkf.com/home/about-our-firm/global-offices/us-offices/long-island/professional-profiles.aspx?d=42770>.

IT IS FURTHER ORDERED that plaintiff's counsel shall attempt to contact defense counsel through telephone and email, at (631)-622-2080 and [mschulman@mbslegal.com](mailto:mschulman@mbslegal.com).

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<sup>1</sup> See N.Y. Dep't of Health, New York State on PAUSE (last visited Apr. 22, 2020), <https://coronavirus.health.ny.gov/new-york-state-pause>.

IT IS FURTHER ORDERED that the default judgment hearing remains scheduled for **April 24** at **2:00 p.m.** Due to the ongoing outbreak of COVID-19, the hearing will be held telephonically. The parties shall use the following dial-in credentials to appear at the hearing:


Dial-in: 888-363-4749

Access code: 4324948

Failure of the defendant to appear may result in entry of a default or a default judgment.

IT IS FURTHER ORDERED that the parties shall use a landline if one is available.

Dated: New York, New York  
April 22, 2020

  
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DENISE COTE  
United States District Judge